

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 CIAE-00 COME-00 DODE-00

DOTE-00 FMC-01 INR-05 NSAE-00 RSC-01 CG-00 COA-01

DLOS-03 SWF-01 AID-05 CEA-01 EA-06 FRB-01 NEA-06

OPIC-03 SP-02 TRSE-00 CIEP-01 LAB-04 SIL-01 OMB-01

L-02 TAR-01 AGR-05 OIC-02 STR-01 /084 R

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EUR/RPE:WCLARKE

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TO USMISSION OECD PARIS

INFO USMISSION GENEVA

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E.O. 11652: N/A

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TAGS: EWWT, EFIN, OECD

SUBJECT: PAYMENTS COMMITTEE DISCUSSION OF UN LINER CODE

REF: A) OECD PARIS 28462 B) OECD PARIS 28559

1. DEPARTMENT HAS NO PROBLEM WITH PROPOSED DRAFT ENTRY, PARA 2, REFTEL A. FROM OUR VANTAGE POINT, HOWEVER, IT APPEARS MISSION HAS DONE EVERYTHING POSSIBLE RE COMPATIBILITY STUDY BETWEEN CODE OF CONDUCT AND OECD CODE NOW THAT EFFORT MOVING INTO MORE POLITICAL FORA. MOREOVER, IN VIEW OF COMMENTS PARA. 3, ABOUT ALL THAT CAN BE EXPECTED IS EVENTUAL COUNCIL ACCEPTANCE OF IC STUDY. DESPITE THIS, LIMITED OFFICIAL USE

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DEPARTMENT BELIEVES CONTINUED EFFORT RE FURTHER UN INTER-

PRETATION SHOULD BE MADE IF FOR NO OTHER REASON THAN FOR THE SAKE OF PERSEVERANCE.

2. WITH RESPECT TO VENUE FOR POSSIBLE FURTHER UN CLARIFICATION OF CODE, DEPARTMENT IS PARTIAL TO UNCTAD FORUM ON GROUNDS CODE OF CONDUCT IS ITS BABY AND "MILITANCY" THEREIN OFFERS GREATER POSSIBILITY FOR "MANDATORY" RULING ON CODE PROVISIONS THAN DOES NYC UN LEGAL OFFICE WHICH JUST MIGHT BE TOO CAGEY TO BECOME EMBROILED IN THIS OECD EXERCISE. RE BRITISH INTEREST IN CONVENING AD HOC COMMITTEE OF LEGAL EXPERTS, IT WOULD APPEAR UNLIKELY THAT SUCH A GROUP WOULD

BE ABLE TO RESOLVE DIFFERENCES CONSIDERING EXISTING DIVISIONS WITHIN OECD ON CODE---ABOUT ALL THAT MIGHT BE GAINED WOULD BE TIME. MOREOVER, IF IN THE MISSION'S VIEW THERE IS LITTLE CHANCE THAT POTENTIAL OECD SIGNATORIES ON CODE WILL AGREE TO INTERPRETATION OF CODE BY UN, THE SAME WOULD SEEMINGLY HOLD TRUE RE ANY CONVO-CATION OF AN AD HOC LEGAL GROUP. KISSINGER

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